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8 [additional counsel listed in signature block]

9 UNITED STATES DISTRICT COURT  
10 NORTHERN DISTRICT OF CALIFORNIA  
11 OAKLAND DIVISION

12  
13 JOSE ELIAS MORALES AGUIRRE, on behalf  
of himself and other similarly situated,

14 Plaintiffs,

15 v.

16 AMERICAN HONDA MOTOR CO., INC.,

17 Defendant.  
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Case No. 4:22-cv-06909-HSG

**REVISED JOINT STIPULATION AND  
ORDER TO MODIFY CASE SCHEDULE  
(as modified)**

**(Pursuant to ECF 50)**

1 Plaintiff Jose Elias Morales Aguirre (“Plaintiff”) and Defendant American Honda Motor  
 2 Co., Inc. (“AHM” or “Defendant”) (collectively the “Parties”) respectfully submit this revised  
 3 request for an extension of the case schedule. As set forth in detail below, the Parties have worked  
 4 to follow the Court’s guidance at the last hearing and have shortened the requested extension.

5 On July 8, 2024, the Parties submitted a proposed Joint Stipulation and Order to Modify  
 6 Case Schedule (ECF 48) which documented the Parties’ discovery efforts to date in support of a  
 7 revised discovery cutoff schedule. This was the first requested extension of the dates in this  
 8 putative class action. The request was for a roughly six-month extension, with the fact discovery  
 9 deadline extended from September 14, 2024, to March 3, 2025.

10 On July 9, 2024, the Court held a Case Management Conference to discuss the Parties’  
 11 proposed schedule. ECF 49. At the conclusion of the conference, the Court ordered that the  
 12 scheduling issue would be revisited at a further conference to be held on August 13, 2024, after  
 13 additional discovery. The Court further instructed the Parties to suggest new revised dates based  
 14 on the exercise of “painful diligence” in determining a reasonable request for extending the  
 15 discovery schedule and that, if the Parties could agree, to submit a revised stipulation and  
 16 proposed order to modify the case schedule by August 12, 2024. ECF 50.

17 In advance of the further case management conference scheduled for August 13, 2024, and  
 18 taking into account the Court’s instructions, the Parties submit the following update and proposed  
 19 Stipulation to extend the dates set forth in the operative Scheduling Order. ECF 39.

20 **DEVELOPMENTS SINCE THE PRIOR CMC AND**  
 21 **FURTHER DISCOVERY TO BE CONDUCTED**

22 **Defendant’s Productions.** AHM has made three (3) additional document productions,  
 23 totaling over 21,000 pages. AHM also intends to produce an additional set of documents,  
 24 consisting primarily of warranties. AHM is working to make that production as soon as possible.  
 25 Plaintiff’s counsel also has sent AHM a list of search terms that it asserts are necessary for a  
 26 complete production. AHM is reviewing the terms and determining if additional document  
 27 productions are warranted. The documents produced by AHM since the last conference include  
 28 documents from HMC in Japanese (which Plaintiff’s counsel have had translated), Excel data

1 regarding warranty claims, and AHM's communications with the California Air Resources Board  
2 ("CARB").

3 **Defendant's 30(b)(6) Deposition.** A 30(b)(6) deposition of AHM took place on August 9,  
4 2024 on five topics. The deposition did not conclude that day, but the Parties have agreed to  
5 continue it for a reasonable amount of time, to be determined, so that it may be completed on  
6 another date. The Parties also agree that additional 30(b)(6) testimony is required on certain  
7 remaining topics set forth in Plaintiff's 30(b)(6) Notice and have discussed scheduling additional  
8 depositions on other topics set forth in the Notice.

9 **Plaintiff and Third-Party Discovery.** Plaintiff produced its discovery responses to  
10 AHM's request for production on August 1, 2024. Plaintiff is in the process of confirming a date  
11 for Plaintiff's deposition. In addition, CARB produced documents and a privilege log. Plaintiff is  
12 in the process of requesting a deposition of a CARB representative.

13 **Additional Discovery.** Plaintiff's counsel has notified AHM of its request for additional  
14 productions by HMC, the deposition of HMC, and the deposition of a person or persons at AHM  
15 most knowledgeable to testify about the warranty data and customer pay information and  
16 regarding additional 30(b)(6) topics. The Parties are meeting and conferring regarding these  
17 requests and are working to coordinate the scheduling of additional depositions.

18 If there is no agreement with respect to service of a deposition subpoena on HMC, Plaintiff  
19 will need to seek authorization, through the Hague Convention, to depose HMC. If there is no  
20 agreement regarding the scope of the discovery by HMC, Plaintiff will also need to file a motion  
21 to compel.

22 Plaintiff also intends to depose a representative of CARB, and already has been working  
23 with CARB to coordinate. Based on Plaintiff's counsel's past experience in other similar cases, it  
24 is difficult for CARB to confirm a deponent and deposition date.

25 Defendant also intends to take the deposition of the named plaintiff.

26 Finally, the Parties have begun discussions regarding scheduling a mediation.

27 The Parties believe that, through continued "exercise of painful diligence," the foregoing  
28 can be accomplished by January 20, 2025, which is an extension of four (4) months to complete

discovery and mediation. The Parties respectfully submit that good cause has been shown for the requested additional time.

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED that, subject to Court approval, the proposed revised schedule is as follows:

Activity	Current Date	Proposed Date
Deadline for the Parties to complete private mediation	Not previously set	January 15, 2025
Non-Expert Discovery Cut Off (including hearing of discovery motions)	September 14, 2024	January 20, 2025
Deadline for motion for Class Certification, and for disclosures and reports of any experts Plaintiff intends to rely on at class certification	October 14, 2024	February 7, 2025
Deadline for any opposition to a motion for class certification; for Defendant's disclosures and reports of any experts Defendant intends to rely on at class certification; and for any motion by AHM to limit or exclude Plaintiff's class certification expert testimony based on <i>Daubert</i> or any other basis	January 12, 2025	May 8, 2025
Deadline for Plaintiff's reply in support of a motion for class certification; deadline for Plaintiff to respond to AHM's class certification expert testimony based on <i>Daubert</i> or any other basis	March 13, 2025	July 7, 2025
Hearing on motion for class certification	April 12, 2025, or on a date convenient to the Court	July 31, 2025

IT IS SO STIPULATED. A proposed Order is submitted concurrently.

Dated: August 9, 2024

Respectfully submitted,

SHOOK, HARDY & BACON L.L.P.

By: /s/ Ryan M. Sandrock  
RYAN M. SANDROCK

Attorneys for Defendant  
AMERICAN HONDA MOTOR CO., INC.

1 Dated: August 9, 2024

Respectfully submitted,

2 POMERANTZ LLP

3 By: /s/ Ari Y. Basser  
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19 Attorneys for Plaintiffs

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21 **CERTIFICATION OF COMPLIANCE WITH N.D. L.R. 5-1(h)(3)**

22 Pursuant to L.R. 5-1(h)(3), I attest that concurrence in the filing of this document has been  
23 obtained from the above signatories.

24  
25 By: /s/ Ari Y. Basser  
Ari Y. Basser

**ORDER**

PURSUANT TO STIPULATION, THE FOLLOWING SCHEDULE IS ENTERED:

Activity	Date
Deadline for the Parties to complete private mediation	January 15, 2025
Non-Expert Discovery Cut Off (including hearing of discovery motions)	January 20, 2025
Deadline for motion for Class Certification, and for disclosures and reports of any experts Plaintiff intends to rely on at class certification	February 7, 2025
Deadline for any opposition to a motion for class certification; for Defendant's disclosures and reports of any experts Defendant intends to rely on at class certification; and for any motion by AHM to limit or exclude Plaintiff's class certification expert testimony based on <i>Daubert</i> or any other basis	May 8, 2025
Deadline for Plaintiff's reply in support of a motion for class certification; deadline for Plaintiff to respond to AHM's class certification expert testimony based on <i>Daubert</i> or any other basis	July 7, 2025
Hearing on motion for class certification	July 31, 2025 at 2:00 p.m.

Dated: 8/12/2024

  
HON. HAYWOOD S. GILLIAM, JR.